

Senate File 2160

S-5035

1 Amend Senate File 2160 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 249A.4, Code 2011, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 9A. a. Allow supplementation of
7 the combination of client participation and payment
8 made through the medical assistance program for
9 those items and services identified in 42 C.F.R. §
10 483.10(c)(8)(ii), by the resident of a nursing facility
11 or the resident's family. Supplementation under this
12 subsection may include supplementation for provision of
13 a private room not otherwise covered under the medical
14 assistance program unless either of the following
15 applies:

16 (1) The private room is therapeutically required
17 pursuant to 42 C.F.R. § 483.10(c)(8)(ii).

18 (2) No room other than the private room is
19 available.

20 b. The rules adopted to administer this subsection
21 shall require all of the following if a nursing
22 facility provides for supplementation for provision of
23 a private room:

24 (1) The nursing facility shall inform all current
25 and prospective residents and residents' legal
26 representatives of the following:

27 (a) If the resident desires a private room,
28 the resident or resident's family may provide
29 supplementation by directly paying the facility the
30 amount of supplementation. Supplementation by a
31 resident's family shall not be treated as income of the
32 resident for purposes of medical assistance program
33 eligibility or client participation.

34 (b) The nursing facility's policy if a resident
35 residing in a private room converts from private pay to
36 payment under the medical assistance program, but the
37 resident or resident's family is not willing or able to
38 pay supplementation for the private room.

39 (c) A description and identification of the private
40 rooms for which supplementation is available.

41 (d) The process for an individual to take legal
42 responsibility for providing supplementation, including
43 identification of the individual and the extent of the
44 legal responsibility.

45 (2) For a resident for whom the nursing facility
46 receives supplementation, the nursing facility shall
47 indicate in the resident's record all of the following:

48 (a) A description and identification of the private
49 room for which the nursing facility is receiving
50 supplementation.

1 (b) The identity of the individual making the
2 supplemental payments.
3 (c) The private pay charge for the private
4 room for which the nursing facility is receiving
5 supplementation.
6 (d) The total charge to the resident for the
7 private room for which the nursing facility is
8 receiving supplementation, the portion of the total
9 charge reimbursed under the medical assistance program,
10 and the portion of the total charge reimbursed through
11 supplementation.
12 (3) If the nursing facility only provides one type
13 of room or all private rooms, the nursing facility
14 shall not be eligible to request supplementation.
15 (4) A nursing facility may base the supplementation
16 amount on the difference between the amount paid for a
17 room covered under the medical assistance program and
18 the private pay rate for the private room identified
19 for supplementation. However, the total payment for
20 the private room from all sources shall not be greater
21 than the aggregate average private room rate for the
22 type of rooms covered under the medical assistance
23 program for which the resident would be eligible.
24 (5) Supplementation pursuant to this subsection
25 shall not be required as a precondition of admission,
26 expedited admission, or continued stay in a facility.
27 (6) Supplementation shall not be applicable if the
28 facility's occupancy rate is less than eighty percent.
29 (7) The nursing facility shall ensure that
30 all appropriate care is provided to all residents
31 notwithstanding the applicability or availability of
32 supplementation.
33 (8) A private room for which supplementation is
34 required shall be retained for the resident consistent
35 with existing bed-hold policies.>

MARY JO WILHELM